

Cabinet

9 May 2016

Present: N Redfearn (Elected Mayor) (in the Chair)
Councillors CA Burdis, R Glindon, IR Grayson,
JLL Harrison, CB Pickard, L Spillard, JJ Stirling and
A Waggott-Fairley.

In Attendance: M Almond (Voluntary and Community sector)
K Archer (Young Mayor)
A Caldwell (Age UK)
R Layton (North Tyneside JTUC)
D Hodgson (Business sector)
L Young Murphy (North Tyneside Clinical Commissioning
Group)

CAB171/05/16 Apologies

Apologies were received from Councillor EN Darke.

CAB172/05/16 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations reported.

CAB173/05/16 Minutes

Resolved that the Minutes of the meeting held on 11 April 2016 be confirmed and signed by the Chair.

CAB174/05/16 Report of the Young Mayor

The Young Mayor reported on the following activities in which he and/or Young Cabinet Members had been involved:

- The last Youth Council meeting in April had been held at Old Low Lights, at Clifford Fort, North Shields Fish Quay. The Youth Council had discussed how they could help support the development of the heritage centre. They had suggested the upstairs space could be used for a young person's exhibition of art. Also it had been agreed it was a good space for young people to relax with friends.
- All of the performers for the music festival The Event had attended a meeting to collect wristband tickets which were now on sale and to have photos taken for the latest promotion.
- Attendance at an awards evening for the Northumberland Clubs for Young people (to be re-named North East Youth).
- Youth Councillors and the Children in Care Council had been involved in a young people's relationship awareness raising workshop ran by staff at Acorns.
- Youth Councillors had begun reviewing their high schools to get an understanding of what topics were being taught in connection to a Curriculum for Life.

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- Some youth councillors had taken part in school nurse interviews at Northumbria University.
- The Young People's Health and Wellbeing group continued to be involved in research around healthy lifestyles. It was hoped there would be an app developed by Northumbria University. The young cabinet member for the group Bethan was also meeting with Health Watch to help them set their priorities for the year ahead.
- Youth councillors had started collecting donations for the charity Walking With. They would be delivering the donated food over the coming months. Planning had begun on how they would become involved in befriending young refugees once they arrived in North Tyneside.
- Involvement in selecting the winner of the Young Mayor's Award, which was part of the Chair's Commendation Awards evening.
- The Young Mayor and some Young Cabinet members had met to look at applications to the Young Mayor's Community Fund. They had given a grant to the school council from Norham High who were delivering a luncheon club to older people in the community. They had also part funded a group working with the Children's Society who had produced a DVD on child sexual exploitation.

The Elected Mayor thanked the Young Mayor for the report.

CAB175/05/16 Spanish City Heritage Lottery Bid (Whitley Bay Ward)

Cabinet received a report seeking approval to accept the offer of grant aid from the Heritage Lottery Fund for financial support towards the restoration of the Spanish City Dome. Details of the grant conditions attached to the financial offer were appended to the report.

The restoration of the Spanish City Dome had been a long standing ambition of the Authority. Work had been undertaken to submit a detailed Stage 2 Heritage Lottery bid for grant aid towards the full restoration of the building. The bid had been submitted in December 2015 to meet the deadlines set by the Heritage Lottery Fund with their anticipated formal decision due in late March 2016. This process had run in parallel with the requirement to appoint a preferred operator for the building to meet the requirements of the HLF prior to the final formal submission of the Stage 2 bid documents.

Cabinet considered the following decision options:

Option 1: To accept the offer of £3.476m of grant aid from the Heritage Lottery Fund towards the restoration of the Spanish City Dome, subject to the terms and conditions listed in the grant offer letter.

Option 2: To not accept the offer of grant aid from the Heritage Lottery Fund and not to take forward the restoration of the Spanish City Dome.

Resolved that the Head of Finance be authorised, in consultation with the Head of Law and Governance and the Deputy Mayor, to accept the offer of £3.476m of Heritage Lottery grant towards the restoration of the listed Spanish City Dome on terms which are acceptable to the Authority.

(Reason for decision – Without the acceptance of the Heritage Lottery grant towards the restoration of the Spanish City Dome, the building would not be able to be brought back into use and would remain derelict; the recently appointed preferred operator would also be lost).

CAB176/05/16 Review of North Tyneside Council's Statement of Enforcement Policy (All Wards)

Following the publication of the Regulators' Code, which had come into effect in 2014, a comprehensive review of the Authority's Statement of Enforcement Policy had been undertaken to ensure it remained fit for purpose. The revised policy following that review was submitted for Cabinet's approval.

The policy underpinned all investigations undertaken by the Authority under statutory regulatory services or non-statutory enforcement functions and prosecution proceedings throughout the Authority. It was a far-reaching document with implications upon large areas of the Authority's work.

Under certain legislation it was a statutory requirement that local authorities had in place a corporate enforcement policy. Additionally there may also be a statutory requirement to have a service specific policy e.g. under the Licensing Act 2003. Failure to have regard to or to comply consistently with an adopted enforcement policy could be fatal to the success of any proceedings, as highlighted by case law.

The policy reflected the shift in focus of regulatory enforcement actions to a more targeted, risk based and proportionate approach.

Local Authorities were required to have regard to the Regulators' Code. It provided a clear, flexible and principles-based framework for how regulators should engage with those they regulated. The Code required that regulators should ensure that their approach to their regulatory activities was transparent, accountable, proportionate and consistent.

Environmental Health, Fire safety, Trading Standards and Licensing were covered by the Regulators' Code. Planning or Building Control Enforcement Services were not within the scope of the Code and as such were not required to adopt the same principles, however a common approach had been applied across all of those service areas, particularly with respect to achieving business compliance. This would enable the Authority to demonstrate that the enforcement activities of Regulatory Services as a whole were open, helpful, proportionate, consistent, targeted, transparent and accountable.

The six principles underlying the Regulators' Code were set out in the report. Local authorities needed to have regard to the Code when developing the policies and principles that guided their regulatory activities. With this in mind the principles of the Regulators' Code had been included within the Enforcement Policy.

The draft revised policy statement had been subject to a 12 week period of borough wide public consultation. In total 6 responses, all from members of the public, had been received to this consultation exercise. Each response had been considered by officers, however had not resulted in an amendment to the draft policy. A summary of the responses received was appended to the report.

Cabinet considered the following decision options:

Option 1: Approve the draft revised Statement of Enforcement policy.

Option 2: Not to approve the draft revised Statement of Enforcement Policy, and request Officers undertake further review of the policy.

Resolved that Cabinet approve the draft revised Statement of Enforcement Policy, attached at Appendix 1 to the report.

(Reason for decision – The revised policy will promote a consistent approach to enforcement and ensure that all departments involved in enforcement are complying with its principles. The policy reflects recent legislative changes and incorporates the need to have regard to the Regulators' Code. If the policy is not amended as suggested then it does not reflect recent legislative changes).

CAB177/05/16 Corporate Parenting Strategy (All Wards)

Cabinet received a report on a proposed revised Corporate Parenting Strategy and accompanying action plan.

The strategy set out the Authority's vision and plans for fulfilling its moral and legal responsibilities as corporate parent for all looked after children and care leavers in North Tyneside; and, in line with the Promise to Children in Care and Care Leavers, reaffirmed the Authority's commitment to act for each child in the same way as any responsible parent would.

Meeting the needs of the borough's looked after children and care leavers was integral to the delivery of the Council Plan. However, in line with the Target Operating Model, the Authority recognised that it had additional responsibilities towards those children and young people for whom it acted as corporate parent. Moreover, as these children and young people fell within the top 5% (tier 3 of the Target Operating Model) extra care, support and opportunities were required to help them overcome the challenges they had experienced and achieve their full potential. The action plan that accompanied the strategy explained how this would be achieved.

The strategy had been developed following a review of its legal and policy context, and of the findings from recent consultation with looked after children and care leavers in the borough. The findings from the review had been shared with members of the Corporate Parenting Committee.

Analysis of national and local research on the experiences and views of looked after children and young people had then been completed and profiling and performance data on North Tyneside's looked after children and care leavers gathered. Following further consultation with managers from Health, Education, Care and Safeguarding, this information had been used to identify the overarching outcomes or priorities of the strategy:

- Our children achieve their educational and employment potential.
- Our children have a stable home and are safe.
- Our children are healthy and well.
- Our children build positive relationships.
- Our children are listened to and respected.

These outcomes had been broken down into a series of draft statements that described the Authority's aspirations for its looked after children and care leavers in more detail. These had been shared and prioritised with the Children in Care Council and Corporate Parenting Committee members and the feedback used to develop the first year of a three year rolling action plan.

To meet the aspirations for the Corporate Parenting Strategy, a Looked After Children Sufficiency Strategy had been developed to ensure a whole system approach to commissioning related services and support. The Sufficiency Strategy identified the following as the key focus for future commissioning activities:

- Delivering sufficient placements and ensuring that the mix of accommodation met needs and offered choice.
- Managing the performance and quality of placements and services.
- Realising value for money through collaborative commissioning with other local authorities.
- Transforming Children's Services to achieve better outcomes for young people.

The following decision options were available for consideration by Cabinet:

Option 1: Cabinet approves the Corporate Parenting Strategy 2016-19 and the implementation and review of the strategy's action plan in accordance with the recommendations at paragraph 1.2 of the report.

Option 2: Cabinet does not approve the Corporate Parenting Strategy 2016-19.

Option 3: Cabinet recommends amendments to the Corporate Parenting Strategy and Action Plan.

Resolved that the Corporate Parenting Strategy 2016-2019, set out in Appendix 1 to the report, be approved.

(Reason for decision – Approval of the strategy will enable the Authority to meet and evidence its moral and legal responsibilities to act as corporate parents to the Borough's looked after children and care leavers).

CAB178/05/16 Salary Sacrifice Car Leasing Scheme (All Wards)

In 2011 the Authority had undertaken a procurement exercise to appoint a preferred provider to administer and manage a salary sacrifice car leasing scheme on behalf of the Authority.

This contract was for 3 years with options to renew for a further 12 months and again for 12 months (5 years in total). The options to extend had been utilised and the contract would expire on 31 May 2016. Cabinet therefore received a report proposing that an EU compliant procurement exercise was undertaken for a provider to administer and manage a salary sacrifice car leasing scheme on behalf of the Authority.

The Authority had in place an Employee Benefits Package under which it offered a number of salary sacrifice schemes for employees to opt into. The car leasing salary sacrifice scheme enabled eligible employees to lease a new car for a period of time (usually 2 or 3 years).

It was proposed to use a third party to administer and manage the scheme on the Authority's behalf, to reduce the need for internal resources to manage the scheme. The Authority would not buy the cars, but lease them from a procured management company. The employee's salary sacrifice covered the leasing cost and the cost of the insurance, road tax, maintenance, routine servicing and breakdown cover. This would allow for a regular, known payment per month, rather than variable, unknown bills and had been identified as the most efficient low risk approach.

Local Government Pension Scheme rules stated that a car leasing salary sacrifice scheme was not a pensionable emolument, therefore employees would need to understand that joining the car leasing scheme may affect their pension. Detailed guidance would be given to employees to enable them to make an informed decision should the recommendation be adopted. The Authority may also benefit from this because employer pension contributions for those taking part in car leasing salary sacrifice would be reduced.

Since the scheme had launched 346 cars had been taken out via this salary sacrifice arrangement with a total value of £1.1m.

The report gave details of eligibility criteria to lease a new car under the scheme.

The following decision options were available for consideration by Cabinet:

Option 1: approval to undertake a procurement exercise in order to identify a preferred provider for a salary sacrifice car leasing scheme and authorise the Head of Human Resources and Organisational Development, in consultation with the Deputy Mayor, the Head of Finance and the Head of Law and Governance, to undertake that exercise and award a contract to the successful bidder following the procurement exercise, in accordance with the recommendations at paragraph 1.2 of the report.

Option 2: approval to undertake a procurement exercise in order to identify a preferred provider for a salary sacrifice car leasing scheme in accordance with the recommendations at paragraph 1.2 (i) of the report, authorise the Head of Human Resources and Organisational Development, in consultation with the Deputy Mayor, the Head of Finance and the Head of Law and Governance, to undertake that exercise, but require that approval is sought from Cabinet prior to contract award.

Option 3: Cabinet does not approve the recommendation to undertake an EU procurement exercise in order to identify a preferred provider for a salary sacrifice car leasing scheme and refers the matter back to officers for further consideration.

Resolved that (1) an EU-compliant procurement exercise be undertaken in order to identify a preferred provider for a salary sacrifice car leasing scheme; and (2) the Head of Human Resources and Organisational Development be authorised, in consultation with the Deputy Mayor, the Head of Finance, and the Head of Law and Governance, to undertake such procurement exercise and award a contract for a period of 3 years with the option to extend for 12 months, on 2 consecutive occasions (to a maximum of 5 years) to the successful bidder following the procurement exercise.

(Reason for decision –To enable the procurement to commence as soon as possible to ensure the Authority is able to continue to offer a car leasing scheme to employees.

If the preferred option is not approved, the Authority will be unable to undertake the proposed procurement exercise and will not be in a position to continue to offer a car leasing scheme to employees. The requirement to return to Cabinet before a contract is

awarded will also delay the implementation of a scheme, which will affect the amount of savings that can be achieved in the 2016/17 budget).

CAB179/05/16 Appointments to Outside Bodies Exercising Executive Functions 2016/17 (All Wards)

Cabinet received a report regarding proposed arrangements for the appointment of representatives to serve on outside bodies that had executive decision-making powers for the 2016/17 Municipal Year.

Appendix A to the report set out those outside bodies which had executive functions and required appointments to be made by Cabinet for 2016/17.

Cabinet considered the following decision options:

Option 1: To appoint representatives to those bodies set out in Appendix A.

Option 2: To not appoint representatives to some or any of those bodies set out in Appendix A.

Resolved that Elected Mayor be authorised to determine:

- (1) the appointment of representatives to serve on those executive outside bodies set out in Appendix A to the report for the 2016/17 Municipal Year;
- (2) any changes to the appointment of representatives to serve on those executive bodies which might arise during 2016/17; and
- (3) the appointment of representatives to serve on any new executive outside bodies that may arise during the 2016/17 Municipal Year.

(Reason for decision - To ensure that the Authority is properly represented on external bodies that exercise executive functions).

CAB180/05/16 Report of the Local Government Ombudsman – Adult Social Care Matter (All Wards)

Cabinet received a report of the Local Government Ombudsman (LGO) dated 25 February 2016 finding maladministration causing injustice as a result of the way the Authority had communicated a move to alternative accommodation for Mr A. The complainant was Ms X on behalf of Mr A, and had failed to involve an Independent Mental Capacity Advocacy (IMCA) in the Best Interest decision meeting once it had become known that his advocate, Ms X, had not been able to attend. This failure had meant that Mr A, who did not have capacity, had not had the opportunity to be properly represented. The Authority had acknowledged this injustice and agreed to pay Mr A £2,000 compensation and to review the arrangements for his future accommodation, as recommended by the LGO.

Cabinet was requested to note the findings of the report (Appendix 1), its recommendations and actions taken to address the LGO's recommendations.

Resolved that (1) the findings and recommendations of the Local Government Ombudsman (LGO) as described in the report and set out in the LGO's report at Appendix 1 be noted; and

(2) the actions taken by the Authority to comply with the recommendations of the LGO's report, as set out in 1.5.4 of the report, be noted.

CAB181/05/16 Report of the Local Government Ombudsman – Council Tax and Housing Benefits Matter (All Wards)

Cabinet received a report of the Local Government Ombudsman (LGO) dated 21 March 2016 finding maladministration causing injustice as a result of the way the Authority had dealt with the rent account and benefit claims of Mrs X, the complainant, following the death of her husband. The LGO had proposed a recommendation of a payment of £200 to Mrs X. The Authority had agreed to this recommendation and had taken and proposed to take further actions as a result of this complaint, as set out in the report.

Cabinet was requested to note the findings of the report (Appendix 1), its recommendations and actions taken to address the LGO's recommendations.

Resolved that (1) the findings and recommendations of the Local Government Ombudsman (LGO) as described in the report and set out in the LGO's report at Appendix 1 be noted; and
(2) the actions taken by the Authority to comply with the recommendations of the LGO's report, as set out in 1.5.4 of the report, be noted.

CAB182/05/16 Exclusion Resolution

Resolved that under Section 100A (4) of the Local Government Act 1972 (as amended) and having applied a public interest test as defined in Part 3 of Schedule 12A of the Act, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act.

CAB183/05/16 Customer Journey and Digital Strategy Delivery – Systems Procurement (All Wards)

Business Case 001 (Citizen Interaction and Delivery of Service for External and Internal Customers) had been approved by Council as part of the budget setting process for 2016/17. It included a revenue savings target of £2.924m for 2016/17, and identified £3.367m capital investment required during 2016/17 for the delivery of the technology solutions. The capital investment was included in the 2016-19 Investment Plan, again agreed by Council.

Investment in technology in the Authority had been uneven. In order to deliver the right service for customers, support staff to do that job and save money, the Authority needed to invest in:

- Technology that allowed the Authority's teams to work together more easily and to do their jobs on the move ("collaboration tooling").
- Technology which allowed the Authority's customers to serve themselves to make things more convenient for them and to save money for the Authority and its partners ("the development platform for self-serve capability").
- Technology which allowed the Authority to process large amounts of data to inform policy choices and target services effectively and efficiently ("data and analytics tool").

The report presented to Cabinet sought to update Members on progress that had been made in relation to scoping the technology solutions required and recommended that Officers be authorised to undertake procurement activity and commercial agreements to deliver the appropriate technology solutions.

Cabinet considered the following decision options:

Option 1: approve all procurement and commercial activity in accordance with the recommendations at paragraph 1.2 (2), 1.2 (4), and 1.2 (6) of the report.

Option 2: approve some of the procurement and commercial activity in accordance with the recommendations at paragraph 1.2 (2), 1.2 (4), and 1.2 (6) of the report.

Option 3: not approve the procurement and commercial activity in accordance with the recommendations at paragraph 1.2 (2), 1.2 (4), and 1.2 (6) of the report.

Resolved that (1) the details of the collaboration tooling pilot, as set out in the report, be noted;

(2) the Head of Commercial and Business Redesign be authorised, in consultation with the Head of Law and Governance, the Head of Finance and the Deputy Mayor, to undertake an EU compliant procurement exercise to identify and to appoint a supplier on terms agreed by the Head of Law and Governance for collaboration tooling;

(3) the provider identified in the report be approved as the recommended supplier for the development platform for the self-serve capability that underlies the Target Operating Model;

(4) the Head of Commercial and Business Redesign be authorised, in consultation with the Head of Law and Governance, the Head of Finance and the Deputy Mayor, to work with ENGIE to procure the services of the recommended supplier;

(5) the progress made on the co-production (with ENGIE) of a data and analytics tool be noted; and

(6) the Head of Commercial and Business Redesign be authorised, in consultation with the Head of Law and Governance, the Head of Finance and the Deputy Mayor, to enter into a commercial arrangement as part of the existing Partnership Agreement for the supply and support of data and analytics tooling.

(Reason for decision - the procurement and commercial negotiations will commence immediately to ensure the Authority is ready to award new contracts. This will enable the Authority to support delivery of the Target Operating Model and the Creating a Brighter Future programme, and to drive out efficiencies as identified in Business Case 001.

If the preferred option is not approved, the Authority will be unable to undertake the proposed procurement and commercial negotiations and will not be in a position to support delivery of the Target Operating Model and the Creating a Brighter Future programme and the subsequent efficiencies as identified in Business Case 001).

CAB184/05/16 Corporate Risk Management Summary Report (All Wards)

Cabinet considered a report which detailed the corporate risks that had been identified for monitoring and management by the Authority's Senior Leadership Team and relevant Cabinet members. The report also provided detailed information on each risk and how it was being managed.

Cabinet considered the following decision options:

Option 1 – endorse the outcome of the latest review by the Authority’s Senior Leadership Team.

Option 2 – suggest changes to the corporate risks and their controls.

Resolved that the latest review of key corporate risks undertaken by the Senior Leadership Team be endorsed.

(Reason for decision – Each of the corporate risks has undergone substantial review and challenge as part of the corporate risk management process. This is designed to provide assurance that corporate risks and opportunities are being identified and appropriately managed).

CAB185/05/16 Central Lower Promenade Reconstruction Scheme Retender (Whitley Bay Ward)

The Elected Mayor had agreed to this report being considered at the meeting as a matter of urgency. The Chair of the Overview, Scrutiny and Policy Development had also agreed to the report being considered as a matter of urgency and the Chair of Council had agreed to the decisions not being subject to call-in. The reasons for urgency were as follows:

To ensure the Authority could undertake a timely competitive procurement exercise to enable a value for money exercise and the potential appointment of an alternative construction partner to deliver the Lower Central Promenade reconstruction scheme.

Cabinet considered the following decision options:

Option 1: Agree the recommendations set out at section 1.2 of the report to carry out a procurement exercise and allow the appointment of a contractor for the Central Lower Promenade reconstruction scheme should a tender be received that represents value for money to the Authority.

Option 2: Not agree the recommendations set out at section 1.2 of this report.

Resolved that the Head of Environment, Housing and Leisure be authorised, in consultation with the Cabinet Member for Housing and Transport, the Head of Law and Governance and the Head of Finance to:

- (1) undertake a competitive procurement exercise to enable a value for money exercise to be undertaken; and
- (2) award a contract to the tenderer who provides the most economically advantageous tender to deliver the Central Lower Promenade reconstruction scheme should the procurement exercise provide value for money to the Authority.

(Reason for decision - it will allow the Authority to undertake a competitive procurement exercise to enable a value for money exercise and the potential appointment of an alternative construction partner to deliver the Central Lower Promenade reconstruction scheme. This will ensure that the contract is awarded to the tenderer who submits the most economically advantageous tender through the procurement process.

If the preferred option is not approved, the Authority will be unable to properly assess best value for money and will not be in a position to progress the project unless it chooses to accept the tender offered by the Authority’s technical services partner).

CAB184/05/16 Date and Time of Next Meeting

6.00pm on Monday 13 June 2016

Minutes published on 12 May 2016.

With the exception of Minute CAB185/05/16, the decisions contained within these Minutes may be implemented (unless called in by 3 Non-Executive Members for consideration by the Overview, Scrutiny and Policy Development Committee) immediately following the expiry of the call-in period; i.e. 5.00pm on 19 May 2016.

The decisions contained within Minute CAB185/05/16 are not subject to call-in and may be implemented immediately.